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Audrey A. Boyd

Audrey A. Boyd January 7, 2005

Signature

Date

Attorney Docket No. B45145

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Bakalcz et al.

Serial No.: 09/719,379

Group Art Unit No.: 1645

Filed: June 4, 2001

Examiner: S.J.N. Devi

For: VACCINE

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

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RESPONSE TO RESTRICTION REQUIREMENT

This paper is in response to the Restriction Requirement mailed December 9, 2004, having a shortened statutory period for reply of 1 month. Claims 32-62 are pending in the application. Claims 32-62 are subject to a restriction requirement and/or election requirement.

According to the Examiner, the instant invention lacks unity under PCT Rule 13.1 and 13.2:

Group I. Claims 32-48, drawn to a peptide comprising one or more amino acid sequences of SEQ ID NOs: 1, 2, 3 and 4 or antigenic variants thereof with the proviso that variant does not include SEQ ID NO: 5 or 6, a chimeric polypeptide, a vaccine and a kit comprising the same, and a method of inducing an immune response in a mammal using the vaccine.

Group II. Claims 49-55, 59 and 60, drawn to a DNA or RNA encoding one of the peptides of invention I, a host

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cell and a kit comprising the same, a process of using the host cell, and a method of using the DNA.

Group III. Claims 56-58, drawn to a purified antibody to the peptide and chimeric polypeptide of invention I, a kit comprising the same, and a method of using the same.

The Examiner notes that "Inventions I to III lack unity. The special technical feature of the first claimed invention is a peptide comprising one or more amino acid sequences of SEQ ID NO: 1, 2, 3 and 4 or antigenic variants thereto with the proviso that variant do not include SEQ ID NO: 5 or 6, a chimeric polypeptide. The special technical features of inventions II and III are: a DNA or RNA; and an antibody respectively, which do not share significant structural elements with each other or with the peptide of invention I."

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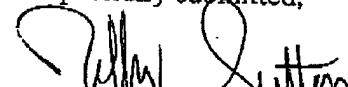
Remarks

Applicants respectfully note that claims 32-62 are pending in the instant application, however, the inadvertent omission of claims 61-62 from the restriction requirement is not thought to have any impact on Applicant's election of claims.

Applicants wish to make a provisional election of Group I, i.e. claims 32-48, with traverse.

In addition, Applicants retain the right to file divisional applications directed to the non-elected subject matter should the restriction requirement become final. Authorization is hereby granted to charge any fees which may be required by this paper, or credit any overpayment, to Deposit Account No. 19-2570.

Respectfully submitted,



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